

PROCEEDINGS OF THE COMMON COUNCIL  
IN REGULAR SESSION  
TUESDAY , MAY 25 , 1982

CITY OF FORT WAYNE, INDIANA  
JOURNAL OF THE PROCEEDINGS  
OF THE COMMON COUNCIL

THE COMMON COUNCIL OF THE CITY OF FORT WAYNE MET IN THE  
COUNCIL CHAMBERS Tuesday EVENING May 25 A.D., 19 82 ,  
IN Regular SESSION. PRESIDENT Samuel J. Talarico  
John H. Logan Council Attorney  
IN THE CHAIR, AND Charles W. Westerman CLERK, AT THE DESK,  
PRESENT THE FOLLOWING MEMBERS \_\_\_\_\_ VIZ:  
BRADBURY ✓ , BURNS ✓ , EISBART ✓ ,  
GIAQUINTA ✓ , NUCKOLS A , SCHMIDT ✓ ,  
SCHOMBURG ✓ , STIER ✓ , TALARICO ✓ ,  
ABSENT \_\_\_\_\_  
COUNCILMAN \_\_\_\_\_ , \_\_\_\_\_ , \_\_\_\_\_ ,  
\_\_\_\_\_ , \_\_\_\_\_ , \_\_\_\_\_ ,  
THE INVOCATION WAS GIVEN BY \_\_\_\_\_

RECEIVED REPORT FROM THE CITY CONTROLLER FOR THE MONTH OF  
\_\_\_\_\_, 19\_\_\_\_. MOTION MADE AND CARRIED THAT REPORT BE MADE  
A MATTER OF RECORD AND PLACED ON FILE.

THE MINUTES OF THE LAST REGULAR May 11 , 19 82 ,  
\_\_\_\_\_, 19\_\_\_\_ ,  
SPECIAL \_\_\_\_\_ , 19\_\_\_\_ ,

SESSION HAVING BEEN DELIVERED TO THE COUNCIL, WERE, ON MOTION, APPROVED  
AND PUBLISHED.



# The City of Fort Wayne

OFFICE OF THE CITY CLERK

Charles W. Westerman, Clerk — Room 122

May 13, 1982

To the Common Council  
Fort Wayne, Indiana

Gentlemen and Mrs. Bradbury:

Today, May 13, 1982, I have approved the following ordinances passed by the Common Council at its regular meeting of May 11, 1982

(Bill No. S-82-04-23)  
SPECIAL ORDINANCE NO. S-72-82

ORDINANCE AUTHORIZING THE CITY OF FORT WAYNE TO ISSUE ITS "ECONOMIC DEVELOPMENT FIRST MORTGAGE REVENUE BOND, SERIES 1982 (FORT WAYNE MUSEUM OF ART, INC.) AND APPROVING OTHER ACTIONS IN RESPECT THERETO

(Bill No. S-82-04-24)  
SPECIAL ORDINANCE NO. S-73-82

AN ORDINANCE approving a certain bid document for purchase and installation of a compressor and condensor for the McMillen Ice Arena for the Parks & Recreation Department

(Bill No. S-82-04-27)  
SPECIAL ORDINANCE NO. S-74-82

AN ORDINANCE approving an Agreement to Purchase Real Estate by Thomas H. Hilt and Bonnie L. Hilt

(Bill No. S-82-04-30)  
SPECIAL ORDINANCE NO. S-75-82

AN ORDINANCE approving Civil City Purchase Order No. A016572 with Petrolane Gas Service for the lease of propane storage and pumping equipment for the Emergency Medical Services Department

(Bill No. S-82-04-31)  
SPECIAL ORDINANCE NO. S-76-82

AN ORDINANCE approving Civil City Purchase Order No. A-16586 with Davis Auto Co., Inc. for the leasing of one four door sedan for the Fort Wayne Redevelopment Commission

(Bill No. Z-82-02-03)  
(as amended)  
ZONING MAP ORDINANCE NO. Z-11-82

AN ORDINANCE amending the City of Fort Wayne Zoning Map No. L-10

(Bill No. G-81-09-13)  
GENERAL ORDINANCE NO. G-06-82

AN ORDINANCE amending the Code of the City of Fort Wayne, Indiana of 1974, Chapter 21-1, 21-2 and 21-3 which adopted the General Plan for the City of Fort Wayne as approved by Council on November 26, 1963

(Bill No. S-82-04-26)  
SPECIAL ORDINANCE NO. S-77-82

AN ORDINANCE approving Change Order No. 3 for 5902-81, Nebraska Neighborhood Phase VI in connection with the Board of Public Works

(Bill No. S-82-04-33)  
SPECIAL ORDINANCE NO. S-78-82

AN ORDINANCE approving a contract for Improvement Resolution No. 5926-82 between the City of Fort Wayne, Indiana and Brooks Construction Co., for the improvement of West Jefferson, Main Street, and Illinois Road intersection

(Bill No. S-82-04-25)  
SPECIAL ORDINANCE NO. S-79-82

AN ORDINANCE approving a contract for Water Main Contract 82-XP-1, between the City of Fort Wayne, Indiana, and Earth Construction & Engineering, Inc., for the installation of a 6" diameter water main

(Bill No. S-82-04-29)  
SPECIAL ORDINANCE NO. S-80-82

AN ORDINANCE approving a contract for Water Resolution 82-XP-2, Botanical Gardens, between the City of Fort Wayne, Indiana, and Scheidleman Excavating, Inc., for an 8" diameter water main

(Bill No. S-82-04-34)  
SPECIAL ORDINANCE NO. S-81-82

AN ORDINANCE approving a contract for Resolution No. 356-81, Baxter- Richardsville, between the City of Fort Wayne, Indiana, and Scheildeman Excavating, Inc. for the repair of an existing 15" combination sewer

(Bill No. S-82-04-35)  
SPECIAL ORDINANCE NO. S-82-82

AN ORDINANCE approving a contract for Water Resolution No. 1026-82, Southdale Avenue, between the City of Fort Wayne and Scheildleman Excavating, Inc., for a 6" diameter water main

(Bill No. S-82-04-36)  
SPECIAL ORDINANCE NO. S-83-82

AN ORDINANCE approving a contract for Resolution 882-80, Dale Drive, between the City of Fort Wayne, Indiana, and Earth Construction & Engineering, Inc., for the construction of a main sewer

(Bill No. S-82-04-37)  
SPECIAL ORDINANCE NO. S-84-82

AN ORDINANCE approving City Utilities Purchase Order No. A-011350 with Municipal & Contractor Supply, Inc., for one complete low pressure air testing trailer for the Water Pollution Control Engineering Department

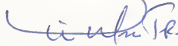
(Bill No. X-82-02-25)  
ANNEXATION ORDINANCE NO. X-02-82

AN ORDINANCE annexing certain territory commonly known as Westwood Valley Annexation to Fort Wayne, and including the same in Councilmanic District No. 3

(Bill No. R-82-02-26)  
RESOLUTION NO. R-27-82

A RESOLUTION of the Common Council setting forth the policy of the City in regard to the annexation of the Westwood Valley Annexation Area

Respectfully yours,

A handwritten signature in blue ink, appearing to read "Win Moses, Jr.", is written over the closing "yours,".

Win Moses, Jr.  
Mayor



## THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

29 April 1982

### COMMUNICATIONS FROM THE CITY PLAN COMMISSION

The Common Council of the  
City of Fort Wayne  
City-County Building  
One Main Street  
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is the recommendation of the City Plan Commission on one (1) ordinance concerning the vacation of a dedicated public street.

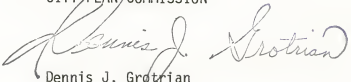
The proposed ordinance is designated as:

BILL NO. G-82-03-03

Respectfully submitted,

CITY PLAN COMMISSION

Certified and signed this  
29th day of April 1982.

  
Dennis J. Grotrian  
Secretary



## THE CITY OF FORT WAYNE

CITY-COUNTY BUILDING • ONE MAIN STREET • FORT WAYNE, INDIANA 46802

city plan commission

29 April 1982

Members of the Common Council  
City-County Building  
One Main Street  
Fort Wayne, IN 46802

Gentlemen and Mrs. Bradbury:

Attached hereto is a copy of a resolution pertaining to one (1) street vacation ordinance acted upon by the City Plan Commission at their regular meeting held April 26, 1982. In addition to the reasons outlined in the resolution, the following are additional remarks pertaining to the ordinance involved.

1. Bill No. G-82-03-03
2. Intended Use: Vacated right-of-way will be utilized by adjacent property owners.
3. Plan Commission Recommendation: DO PASS with condition

This ordinance received a DO PASS recommendation for the following reasons and with the following condition.

- REASONS: a. The proposal, as presented, does not have an adverse affect on the neighborhood.
- b. This vacation will facilitate the elimination of a potentially unsafe condition that presently exists with the on-site driveway location.

CONDITION: This request should be granted only if the property owner submits a written commitment that there will be no access to the property from Coliseum Boulevard.

NOTE: The Condition has been satisfied and a copy of the letter attached to the original ordinance as well as on file in the Plan Commission office.

If there are any questions with regard to this ordinance, please feel free to call on us.

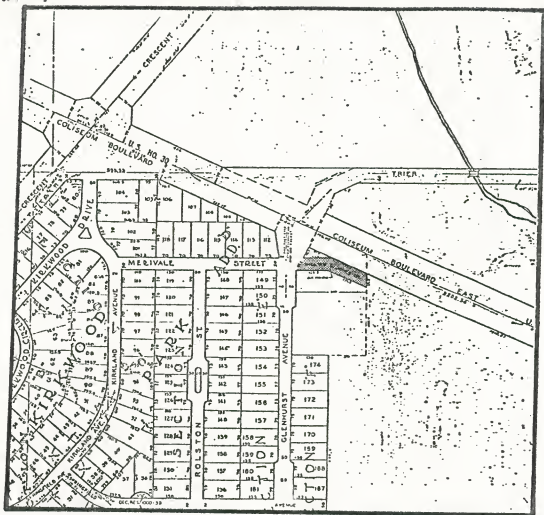
Respectfully submitted,


COMMUNITY DEVELOPMENT & PLANNING

Gary F. Baeten, Senior Planner  
*Gary F. Baeten*

GFB:pb

AN EQUAL OPPORTUNITY EMPLOYER



 A PETITION TO VACATE A  
PUBLIC STREET.

6-82-03-03

MAP NO. Q-22

BY G. R. LAX 1-27-82



5/5/82

R E S O L U T I O N No. 71-237-5

WHEREAS, MUTUAL SECURITY LIFE INSURANCE COMPANY has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing on the vacation of the following public street in Fort Wayne, Allen County, to-wit:

Part of the Southeast Quarter of Section 30, Township 31 North, Range 13 East, in Allen County, Indiana, in particular described as follows:

Commencing at the point of intersection of the east line of Glenhurst Avenue and the south line, produced eastward, of Merivale Street, as recorded in the plat of Kirkwood Park Addition, Section "E"; thence running eastward on the south line, produced eastward, of said Merivale Street, a distance of 128.3 feet; thence southeastward and parallel to the center line of Coliseum Boulevard East, by a deflection right of 24 degrees 22 minutes, a distance of 171.5 feet to a point situated 325 feet east of the center line of Glenhurst Avenue as in said plat of Kirkwood Park Addition, Section "E" recorded; thence north and parallel to the said Glenhurst Avenue center line, 54.8 feet to the southwesterly right-of-way line of said Coliseum Boulevard East; thence northwestward along the aforesaid right-of-way line, 159.6 feet to an intersection by the north line produced eastward, of said Merivale Street as in said plat of Kirkwood Park Addition, Section "E" recorded; thence west on the aforesaid line, by a deflection left of 24 degrees 22 minutes, a distance of 111.6 feet to the east line of said Glenhurst Avenue, as widened by the State Highway Commission at the junction of said Glenhurst Avenue and Coliseum Boulevard East; thence southwestward by a deflection left of 60 degrees 40 minutes, along the east line of Glenhurst Avenue, as widened, a distance of 57.2 feet to the place of beginning.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Indiana Code, Section 36-7-4-512.

WHEREAS, notice of such public hearing has been given by due and proper publication thereof;

WHEREAS, said vacation of public street has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Electrical Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne Board of Public Works that the vacation of said public street hereinbefore described conforms to the general policy and pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana.


BE IT FURTHER RESOLVED by the Board of Public Works that the vacation of said public street hereinbefore described by and the same is hereby approved subject to easements as required by all public utilities occupying and using said public street or part thereof for the vacation and operation of its utility facilities shall not be deprived of said use on account of these proceedings unless any said utilities shall file a written consent to said vacation.

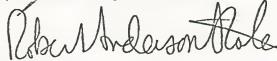
STATE OF INDIANA)  
                                  )SS:  
COUNTY OF ALLEN )


I, Stephen A Bailey Chairman of the Board of  
Public Works, do hereby certify that attached hereto is a full, true and correct  
copy of a resolution adopted by the Fort Wayne Board of Works at their meeting  
held May 5, 1982 and as same appears  
of record in the official records of said Board of Public Works.

DATED THIS 5<sup>th</sup> DAY OF May 1982

FORT WAYNE BOARD OF PUBLIC WORKS

  
Stephen A. Bailey, Chairman

  
Roberta Anderson-Staton, Member

  
Betty R. Collins, Member

## RESOLUTION

WHEREAS, MUTUAL SECURITY LIFE INSURANCE COMPANY has petitioned and requested the Fort Wayne City Plan Commission to hold a public hearing on the vacation of the following public street in Fort Wayne, Allen County, to-wit:

Part of the Southeast Quarter of Section 30, Township 31 North, Range 13 East, in Allen County, Indiana, in particular described as follows:

Commencing at the point of intersection of the east line of Glenhurst Avenue and the south line, produced eastward, of Merivale Street, as recorded in the plat of Kirkwood Park Addition, Section "E"; thence running eastward on the south line, produced eastward, of said Merivale Street, a distance of 128.3 feet; thence southeastward and parallel to the center line of Coliseum Boulevard East, by a deflection right of 24 degrees 22 minutes, a distance of 171.5 feet to a point situated 325 feet east of the center line of Glenhurst Avenue as in said plat of Kirkwood Park Addition, Section "E" recorded; thence north and parallel to the said Glenhurst Avenue center line, 54.8 feet to the southwesterly right-of-way line of said Coliseum Boulevard East; thence northwestward along the aforesaid right-of-way line, 159.6 feet to an intersection by the north line produced eastward, of said Merivale Street as in said plat of Kirkwood Park Addition, Section "E" recorded; thence west on the aforesaid line, by a deflection left of 24 degrees 22 minutes, a distance of 111.6 feet to the east line of said Glenhurst Avenue, as widened by the State Highway Commission at the junction of said Glenhurst Avenue and Coliseum Boulevard East; thence southwestward by a deflection left of 60 degrees 40 minutes, along the east line of Glenhurst Avenue, as widened, a distance of 57.2 feet to the place of beginning.

all in accordance with the terms of Section 44, Chapter 174 of the Acts of 1947, of the General Assembly of the State of Indiana, as amended by Section 3 of Chapter 385 of the Acts of 1963 of the General Assembly of the State of Indiana, Indiana Code, Section 36-7-4-512.

WHEREAS, notice of such public hearing has been given by due and proper publication thereof; and,

WHEREAS, said public hearing was held on April 19, 1982, at 7:00 P.M., and at such hearing there were no objections of any kind or character which should prevent the vacation of said public street.

WHEREAS, said vacation of the street has been routed through the following departments: Street Engineering, Traffic Engineering, Water Engineering, Water Pollution Control Engineering, Street Light Engineering, Park Board and through the Public Utility Companies.

NOW THEREFORE, BE IT RESOLVED by the Fort Wayne City Plan Commission that the vacation of said street hereinbefore described conforms to the general policy pattern of development set out in the Master Plan of the City of Fort Wayne, Indiana;

BE IT FURTHER RESOLVED by the Fort Wayne City Plan Commission that the vacation of said public street hereinbefore described be and the same is hereby approved.

BE IT FURTHER RESOLVED no public utility occupying and using said public street or part thereof for the vacation and operation of its utility facilities shall be deprived of said use on account of these proceedings unless any said utility shall file a written consent to said vacation.

BE IT FURTHER RESOLVED that the action of the Fort Wayne City Plan Commission be forwarded to the proper governing body having jurisdiction of the vacation of said street in Allen County, Indiana.

STATE OF INDIANA )  
                          )SS:  
COUNTY OF ALLEN )

I, Dennis J. Grotrian Secretary of the Fort Wayne City Plan Commission, do hereby certify that attached is a full, true and correct copy of a resolution adopted by the Fort Wayne City Plan Commission following a public hearing of said Commission held April 26, 1982, and as the same appears of record in the official records of said Plan Commission.

DATED THIS 29th DAY OF April 19 82

FORT WAYNE CITY PLAN COMMISSION

  
Dennis J. Grotrian  
Secretary

President of the Common Council  
City of Fort Wayne, Indiana

Gentlemen:

Attached herewith are authenticated copies of the Board of  
Public Safety Regulatory Resolution Number: 21/82/E

For the purpose of enforcement, please make this communication  
and the attached Regulatory Resolution a matter of record and  
incorporate it into the minutes of the next Common Council  
Meeting.

Respectfully submitted,



Nick Palermo, Chairman  
Board of Public Safety

R E T U R N   C E R T I F I C A T E

(Regulatory Resolution No. 21/82 / E )

I hereby certify that I did this 14th day of  
May, 1982 deliver to each, the City Traffic  
Engineer, the Chief of Police, the City Attorney, the City  
Clerk and the President of the Common Council of the City  
of Fort Wayne, Indiana respectively, a copy of the within  
Regulatory Resolution No. 21/82/E of the Board of Public  
Safety of the City of Fort Wayne, duly certified by me as  
Chairman of said Board, in accordance with the provisions  
of Section 17-4 of Chapter 17, of the Code of the City of  
Fort Wayne, Indiana 1974.

  
\_\_\_\_\_  
CHAIRMAN, Board of Public Safety

REGULATORY RESOLUTION NO. 21/82 /E  
(Adopted May 14, 19 82 )

WHEREAS, Section 17-4, Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 authorizes the Board of Public Safety to make temporary or experimental regulations to cover special conditions; and,

WHEREAS, a special condition has arisen justifying the Temporary Experimental Regulation hereinafter ordered, with regard to ONE-WAY STREET (EMERGENCY)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_ : AND,

WHEREAS, the City Traffic Engineer has, by written memorandum dated May 12, 19 82, submitted to this Board his advice with regard to the regulation herein adopted, which written memorandum is on file in the office of this Board;

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF PUBLIC SAFETY OF THE CITY OF FORT WAYNE, INDIANA:

That, pursuant to the authority granted to this Board by Section 17-4 of Chapter 17 of the Code of the City of Fort Wayne, Indiana of 1974 to make temporary or experimental regulations to cover special conditions, it is hereby ordered, effective

May 14, 19 82, and for a period of sixty (60) days thereafter, and when signs are erected pursuant hereto giving notice thereof, that the FOLLOWING IS ESTABLISHED:

ONE-WAY STREET (EMERGENCY) \_\_\_\_\_

Violet Court -- eastbound -- from Fairfield Avenue to Hoagland Ave.

THE COUNCIL THEN ADJOURNED.

CERTIFICATE

I hereby certify that I am the duly elected, acting and incumbent City Clerk of the City of Fort Wayne, Indiana and as such the custodian of the records of the Common Council of said City and that the above and foregoing is the true, full and complete record of the proceedings of the Common Council of the City of Fort Wayne, Indiana for its Regular Session, held on Tuesday the 25th day of May, 19 82 that the numbered ordinances and resolutions shown therein were duly adopted by said Common Council on said date and were presented by me to the Mayor of the City of Fort Wayne and were signed and approved or disapproved by said Mayor as and on the dates shown as to each such ordinance and resolution respectively; and that all such records, proceedings, ordinances and resolutions remain on file and record in my office.

WITNESS my hand and the official seal of the City of Fort Wayne, Indiana, this 1st day of June, 19 82.

Charles W. Westerman  
Charles W. Westerman  
City Clerk